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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,456	10/26/2001	Charles E. Schinner	10014488 -1	3561

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EXAMINER

MILIA, MARK R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,456

Applicant(s)

SCHINNER, CHARLES E.

Examiner

Mark R. Milia

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 11/30/05 and has been entered and made of record. Currently, claims 1-25 are pending. The new examiner of record for this case is now Mark R. Milia.

Response to Arguments

2. Applicant's arguments, see pages 7-11, filed 11/30/05, with respect to the rejection(s) of claim(s) 1-24 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art. The examiner agrees that the reference of Ikeda fails to disclose determining which of the plurality of image capture elements correspond to the print size, as recited in claims 1, 7, and 16 and further fails to disclose wherein a portion of the plurality of image capture elements is used to capture the image data and only the captured image data is presented to a user, as recited in claims 3, 9, and 18.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-8, 10-17, and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda in view of U.S. Patent No. 6650366 to Parulski et al.

Regarding claim 1, Ikeda discloses an apparatus for capturing digital images, comprising: an image sensor including a plurality of image capture elements, each of the image capture elements configured to capture image data (see Fig. 1, column 1 lines 31-33, column 2 lines 43-45, and column 7 lines 39-61) and an input element for communicating print size information to the apparatus (see Fig. 1, column 1 lines 31-33, column 2 lines 43-45, column 6 lines 55-62, column 10 lines 45-47, and column 12 lines 2-4).

Ikeda does not disclose expressly means for determining which of the plurality of image capture elements correspond to the print size.

Parulski discloses means for determining which of the plurality of image capture elements correspond to the print size (see Figs. 4 and 5, column 2 lines 48-55, column 3 lines 51-61, column 4 lines 7-13, and column 4 line 63-column 5 line 38).

Regarding claim 7, Ikeda discloses a method for adapting a print size to a captured image in a digital image capture device, the method comprising the steps of:

providing an image sensor including a plurality of image capture elements (see Fig. 1, column 1 lines 31-33, column 2 lines 43-45, and column 7 lines 39-61) and presenting image sensor data corresponding to the selected print size to a user of the image capture device (see Figs. 1, 32, and 34-40 and column 12 lines 7-8 and 20-26).

Ikeda does not disclose expressly determining the elements of the image sensor that correspond to a selected print size.

Parulski discloses determining the elements of the image sensor that correspond to a selected print size (see Figs. 4 and 5, column 2 lines 48-55, column 3 lines 51-61, column 4 lines 7-13, and column 4 line 63-column 5 line 38).

Regarding claim 16, Ikeda discloses a computer readable medium having a program for adapting a print size to a captured image in a digital image capture device, the program including logic for performing the steps of: presenting image sensor data corresponding to the selected print size to a user of the image capture device (see Figs. 1, 32, and 34-40 and column 12 lines 7-8 and 20-26).

Ikeda does not disclose expressly determining the elements of the image sensor that correspond to a selected print size.

Parulski discloses determining the elements of the image sensor that correspond to a selected print size (see Figs. 4 and 5, column 2 lines 48-55, column 3 lines 51-61, column 4 lines 7-13, and column 4 line 63-column 5 line 38).

Regarding claim 25, Ikeda discloses an apparatus, comprising: a computer readable medium having a program for adapting a print size to a captured image in a digital image capture device (see column 3 lines 1-5) by presenting image sensor data

corresponding to the selected print size to a user of the image capture device (see Figs. 1, 32, and 34-40 and column 12 lines 7-8 and 20-26).

Ikeda does not disclose expressly determining the elements of the image sensor that correspond to a selected print size.

Parulski discloses determining the elements of the image sensor that correspond to a selected print size (see Figs. 4 and 5, column 2 lines 48-55, column 3 lines 51-61, column 4 lines 7-13, and column 4 line 63-column 5 line 38).

Ikeda & Parulski are combinable because they are from the same field of endeavor, image capture for subsequent output.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the determining of which of a plurality of image capture elements correspond to the print size, as described by Parulski, with the system of Ikeda.

The suggestion/motivation for doing so would have been to provide faster processing and improved image quality (see column 2 lines 24-35 of Parulski).

Therefore, it would have been obvious to combine Parulski with Ikeda to obtain the invention as specified in claims 1, 7, 16, and 25.

Regarding claim 2, Ikeda and Parulski disclose the system discussed in claim 1, and Ikeda further discloses wherein each of the plurality of image capture elements is used to capture the image data and only a portion of the image data is presented to a user (see column 11 lines 1-8 and column 12 lines 20-26).

Regarding claim 4, Ikeda and Parulski disclose the system discussed in claim 1, and Ikeda further discloses wherein the print size aspect ratio corresponds to the aspect ratio of the image sensor (see column 6 lines 59-62).

Regarding claim 5, Ikeda and Parulski disclose the system discussed in claim 1, and Ikeda further discloses means for presenting an image capture template to a user of the apparatus (see Fig. 9).

Regarding claim 6, Ikeda and Parulski disclose the system discussed in claim 5, and Ikeda further discloses wherein the image capture template provides a visual reference to the plurality of image capture elements that correspond to the selected print size (see column 2 lines 24-31).

Regarding claims 8 and 17, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses capturing image sensor data using all of the image capture elements (see Fig. 8, column 1 lines 31-33 and column 7 lines 39-61) and presenting image data from only those image capture elements corresponding to the selected print size to a user of the image capture device (see Fig. 8, column 1 lines 31-33 and column 7 lines 39-61).

Regarding claims 10 and 19, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses printing the image sensor data corresponding to the selected print size (see Fig. 1, column 8 lines 2-9, and column 9 lines 1-7).

Regarding claims 11 and 20, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses presenting the image sensor data to a

user of the image capture device (see Figs. 8 and 9) and superimposing an image capture template over the image sensor data, the image capture template providing a visual reference on a display (see Fig. 9).

Regarding claims 12 and 21, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses wherein the visual reference corresponds to the image sensor data (see column 2 lines 24-31).

Regarding claims 13 and 22, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses wherein the image capture template is fixed (see Figs. 8 and 10).

Regarding claims 14 and 23, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses wherein the image capture template is variable (see Figs. 8 and 10).

Regarding claims 15 and 24, Ikeda and Parulski disclose the system discussed in claims 7 and 16, and Ikeda further discloses wherein a plurality of image capture templates are made available to a user of the image capture device (see Figs. 8 and 10).

5. Claims 3, 9, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda and Parulski as applied to claims 1, 7, and 16 above, and further in view of U.S. Patent No. 5800341 to McKenna et al.

Ikeda and Parulski do not disclose expressly wherein a portion of the plurality of image capture elements is used to capture the image data and only the captured image data is presented to a user.

McKenna discloses wherein a portion of the plurality of image capture elements is used to capture the image data and only the captured image data is presented to a user (see abstract, column 7 lines 53-62, column 8 lines 27-47, column 14 lines 30-56, column 14 line 64-column 15 line 2, and column 18 line 30-column 19 line 9).

Ikeda, Parulski, & McKenna are combinable because they are from the same field of endeavor, image capture.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the use of a portion of image capture elements to capture an image and display thereof, as described by McKenna, with the system of Ikeda and Parulski.

The suggestion/motivation for doing so would have been to provide faster processing of image data.

Therefore, it would have been obvious to combine McKenna with Ikeda and Parulski to obtain the invention as specified in claims 3, 9, and 18.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to the attached Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached at (571) 272-7471. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia
Examiner
Art Unit 2622

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